

Civil Rights and Complaint Procedures

U.S. Department of Agriculture Child Nutrition Programs



Ellensburg School District
Child Nutrition Department

1203 E Capitol Avenue
Ellensburg WA 98926
509-925-8217

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Table of Contents

Introduction.....	3
Civil Rights Compliance in the Child Nutrition Programs	4
Nondiscrimination Statement.....	6
Protected Racial and Ethnic Categories in the CNPs	7
Ethnicity.....	7
Race.....	7
Discriminatory Behavior.....	7
Complaint Procedure Overview	9
File a Complaint of Discrimination with Ellensburg School District	11
File a Complaint to OSPI Based on an Appeal Decision	12
Other Organizations that Resolve Disputes Related to Discrimination	13
Appendix A: Terminology Key	15

Introduction

The requirements contained in the procedures apply to all programs and activities receiving federal financial assistance for the CNPs, whether those programs and activities are federally funded in whole or in part (FNS Instruction 113-1, Page 3). Thus, when a state agency, local agency, or any other sub recipient agrees to administer FNS program services and benefits, they enter into a contractual agreement (i.e., federal/state agency agreement or a state agency/local agency agreement) to adhere to all laws, regulations, instructions, policies, and guidance related to nondiscrimination in program delivery (FNS Instruction 113-1, Page 4[C]).

The Civil Rights compliance guidance applies to the following programs at Ellensburg School District:

- National School Lunch Program
- School Breakfast Program
- Seamless Summer Option

Civil Rights Overview:

Sponsors agree to administer these programs in accordance with Civil Rights Laws. Sponsors must ensure equal access to all eligible participants regardless of race, age, color, sex, national origin, or disability. All participants must be treated in the same manner.

The goals of Civil Rights include:

- Eliminating barriers that prevent or deter people from receiving benefits of government sponsored or funded programs.
- To provide equitable treatment to all in the delivery of programs and services to all applicants, participants, and beneficiaries of a federal program.
- To ensure that all applicants and participants understand their rights and responsibilities
- To show respect and dignity to all
- Civil Rights requirements for Child Nutrition Programs can be found in FNS Instruction 113.1.

Civil Rights Compliance in the Child Nutrition Programs

Civil Rights Coordinator: Alexandra Epstein-Solfield, ESD Child Nutrition Director

Duties include:

- Provide mandatory civil rights training to all staff annually
- Implement procedures to determine and process civil rights complaints
- Implement procedures to determine and process program related complaints
- Notify the public, participants, and potential participants, upon request, of information about program requirements and the procedures for filing a complaint in English and/or in the appropriate language for persons with limited English proficiency
- Ensure that the public, participants, and potential participants are notified that a complaint can be filed anonymously or by a third party
- Develop a method to collect racial and ethnic data. The agency can use an applicant's voluntary self-identification to obtain racial and ethnic data.
- Ensure that the agency makes special meals available to participants with disabilities who have a medical statement on file documenting that their disability restricts their diet
- Ensure that participants with disabilities are not excluded from enjoying the benefits or services due to inaccessibility of facilities. Every part of a facility must be accessible to and usable by persons with disabilities
- Post the most current version of the federal nondiscrimination statement in a prominent location in all public information releases, publications, and on posters concerning nutrition program activities, except menus
- Display And Justice For All posters in areas visible to program recipients, such as the food service area and sponsor's office, except in family day care homes
- Send a public release announcing the availability of the CNPs and/or changes in the programs to public media and community/grassroots organizations
- Provide appropriate translation services when a significant number of persons in the surrounding population have limited English proficiency
- Establish admission and enrollment procedures that do not restrict enrollment of minority persons or persons with disabilities. This includes preventing staff from incorrectly denying applications of minority persons and persons with disabilities, and ultimately ensuring that minority persons and participants with disabilities have equal access to all programs

- Additionally, in order to meet federal civil rights requirements for CNPs, the Civil Rights Coordinator will maintain a complaint log and work with the appropriate people to resolve the complaint.

The complaint as well as the complaint log will include, at a minimum, the following information:

- The name, address, and phone number or other means of contacting the complainant, such as an e-mail address (if not anonymous)
- The specific location and name of the entity delivering benefits
- The nature of the complaint or action that led to the charges being filed

If the nature of the complaint alleges discrimination, the Civil Rights Coordinator will collect the following information and forward to USDA:

- The basis on which the complainant feels that discrimination occurred. In order to be considered a discrimination complaint, the complainant must feel discriminated against based on one or more of the protected classes
 - The names, titles, and if known, addresses of persons who may have knowledge of the discriminatory action or situation
 - The date(s) that the alleged discrimination occurred, or the duration of such action
 - Forward all allegations of discrimination to the USDA National Office in Washington, D.C., at the address provided on page 8 of this document
- Try to be as detailed as possible when logging information about the complaint. This will help resolve the situation in a more efficient manner.

Nondiscrimination Statement

In accordance with Federal Civil Rights law and U.S. Department of Agriculture (USDA) Civil Rights regulations and policies, the USDA, its agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior credible activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotope, American Sign Language, etc.) should contact the responsible Agency or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at [How to File a Program Discrimination Complaint](#) and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by:

- (1) mail: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410;
- (2) fax: (202) 690-7442; or
- (3) email: program.intake@usda.gov.

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Protected Racial and Ethnic Categories in the CNPs

The 2009–10 Civil Rights policy for CNPs established a two-question format for collecting racial and ethnic data from all program applicants and participants. Agencies must use separate categories when collecting and reporting ethnicity and race. Agencies must collect ethnicity first, and then offer respondents the option of selecting one or more racial designations. Recommended instructions accompanying the multiple responses for race should include one of the following: Mark One or More, or Select One or More, to encourage accurate information.

The minimum designations for ethnic and racial data collection are as follows:

Ethnicity

- Hispanic or Latino—A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race. The term Spanish origin can be used in addition to Hispanic or Latino
- Not Hispanic or Latino

Race

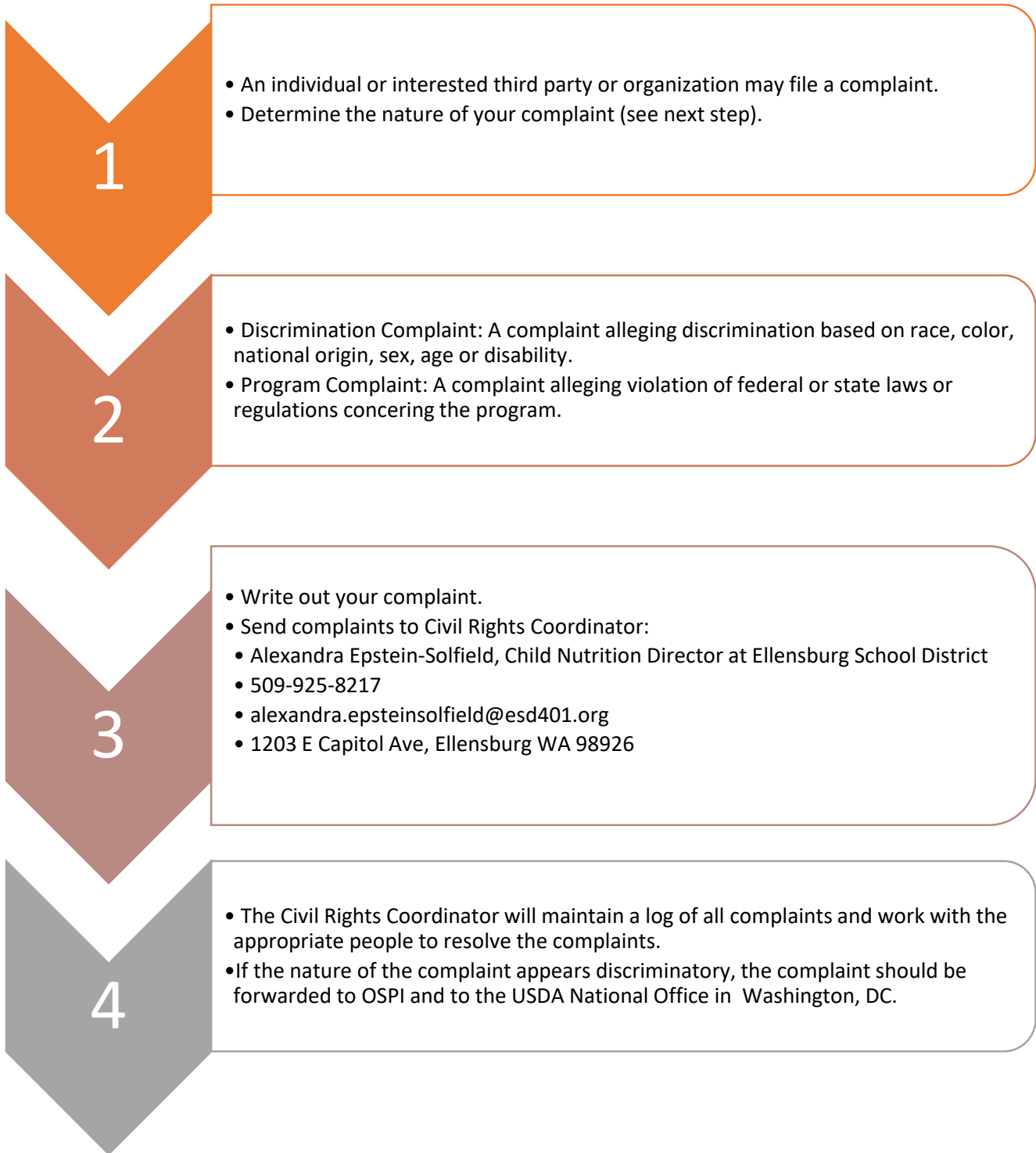
- American Indian or Alaskan Native—A person having origins in any of the original peoples of North and South America, including Central America, who maintains tribal affiliation or community attachment
- Asian—A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent, including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam
- Black or African American—A person having origins in any of the black racial groups of Africa. Terms such as Haitian or Negro can be used in addition to Black or African American
- Native Hawaiian or Other Pacific Islander—A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands
- White—A person having origins in any of the original peoples of Europe, the Middle East, or North Africa

Discriminatory Behavior

Discriminatory behavior can sometimes be difficult to determine; therefore, it is important to keep in mind the protected classes for the CNPs when addressing potential discrimination. The following are general examples of prohibited discriminatory behavior to help agencies and Complaint Coordinators have a clearer understanding:

- Denying an individual or household the opportunity to apply for FNS program benefits or services on the basis of race, color, national origin, sex, age, or disability. CalWORKs and the Food Distribution Program on Indian Reservations (FDPIR) also prohibit discrimination on the basis of religion and political beliefs.
- Providing FNS program services or benefits in a different manner on the basis of race, color, national origin, sex, age, or disability, unless the difference is necessary to comply with nondiscrimination requirements, such as disability accommodations (this includes providing disability accommodations which includes dietary accommodation or physical assistance). CalWORKs and the FDPIR also prohibit discrimination on the basis of religion and political beliefs.
- Selecting members for planning and advisory bodies in such a way as to exclude persons from membership on the basis of race, color, national origin, sex, age, or disability.
- Selecting FNS program sites or facilities in a manner that denies an individual access to FNS program benefits, assistance, or services on the basis of race, color, national origin, sex, age, or disability.

Complaint Procedure Overview



File a Complaint of Discrimination with Ellensburg School District

Step 1: Write Out and Send Your Complaint

A Complaint Form is Available Here:

<https://www.usda.gov/sites/default/files/documents/USDA-OASCR%20P-Complaint-Form-0508-0002-508-11-28-17Fax2Mail.pdf>

1. Describe the conduct or incident. Use facts: what, who and when.
2. Explain why you believe discrimination has taken place.
3. Describe what actions you believe the district should take to resolve the problem.

Send your written complaint—by mail, email, or hand delivery to the district superintendent or civil rights coordinator.

IMPORTANT! Any person alleging discrimination has a right to file a complaint within 180 days of the alleged discriminatory action.

Ellensburg School District Contact Information:

Child Nutrition Department
Alexandra Epstein-Solfield
1203 E Capitol Avenue
Ellensburg WA 98926
509-925-8217

alexandra.epsteinsolfield@esd401.org

Step 2: School District Investigates Your Complaint

The coordinator must:

- Give you a copy of the procedure to follow for discrimination complaints
- Make sure a prompt and thorough investigation takes place

30 Calendar Days to Respond to Your Complaint

Once the district receives your written complaint, the superintendent or administrator must respond to you in writing within 30 calendar days – unless you agree on a different time period.

If your complaint involves exceptional circumstances that demand a lengthier investigation, the district must notify you in writing (1) why staff need this time extension and (2), a new date for their written response.

Step 3: School District Responds to Your Complaint

In its written response, the district must include this information:

- Summary of the results of the investigation

- Determination that states clearly whether or not the district failed to comply with civil rights law
 - Notification that you can appeal this determination: how and where to file an appeal, and to whom it must be addressed
 - Any measures, determined through the investigation, necessary to bring the district into compliance with civil rights law
 - Any necessary corrective measures must be put into effect within 30 calendar days after this written response – unless you agree to a different time period.
-

Mediation

Mediation is an option you could consider. Under state law, school districts can offer, at their own expense, the option to resolve complaints through an impartial mediator. Mediation must be voluntary on the part of the parents and guardians.

If you decide to use a mediator, it is possible to extend the 30-calendar day time period which the district must respond to your complaint. Be aware that OSPI does not approve, endorse, or enforce agreements reached through mediation.

Appeal

If you do not agree with the determination that follows the district's investigation of your complaint, you can **file an appeal**. Information about the appeal process should be included in the written response you receive once the district has completed their investigation.

Follow the appeal procedure closely—appeals must be made to an official or board not involved in the complaint.

Deadline for Filing an Appeal School districts are allowed to adopt a filing deadline for appeals. This deadline must be no shorter than 10 calendar days from the date you received the written response to the investigation that followed from your complaint.

30 Calendar Days to Respond to Your Appeal Once the district receives your appeal, it must respond to you in writing—within 30 calendar days—unless you agree on a different time period.

The appeal decision must include how to file a complaint with OSPI. If you do not agree with the appeal decision, state law provides the option to file a complaint with OSPI.

File a Complaint to OSPI Based on an Appeal Decision

Complaint to State (OSPI) Follows Local Complaint and Appeal Process This is a separate complaint process that can take place if one of these two conditions has occurred: (1) you have completed the complaint and appeal process of your school district, OR (2) the school district has not followed the complaint and appeal process correctly.

Step 1 Write Out and Send Your Complaint

Include these details in your complaint:

1. Describe the conduct or incident. Use facts: what, who and when
2. Explain why you believe discrimination has taken place
3. Your name and contact information—including a mailing address
4. Name and address of the school district that is the subject of your complaint
5. Copy of the complaint and appeal decisions from the district
6. Describe what actions you believe the district should take to resolve the problem
7. If your complaint relates to a specific student, make sure you include (1) the name and address of the student, and (2) the school and school district, the student attends.

Send Your Written Complaint to the Equity and Civil Rights Office

Email: Equity@k12.wa.us

Fax: 360-664-2967

Mail or hand deliver:

OSPI Equity and Civil Rights Office

PO Box 47200

600 Washington St. S.E.

Olympia, WA 98504-7200

Deadline for Filing a Complaint to OSPI You have 20 calendar days to file a complaint to OSPI from the day you received the decision on your appeal from the district or charter school—unless OSPI extends this deadline based on circumstances.

Step 2 OSPI Responds to Your Complaint

Staff at OSPI will review your complaint and decide whether or not to begin an investigation. If OSPI staff decide to investigate your complaint, they will send written notification to you and the district or charter school.

OSPI will not investigate if your complaint:

- Is incomplete or arrives after the 20-day deadline
- Does not allege a violation of a civil rights law that OSPI enforces. Contact the Equity and Civil Rights Office for this information: 360-725-6162 | equity@k12.wa.us
- Has not been brought to the attention of the district or charter school through the local complaint and appeal process.

- Was investigated by another state, federal, or local civil rights agency and OSPI expects a comparable resolution

If OSPI investigates the complaint, OSPI will send you a written decision that addresses each allegation in the complaint, and includes any corrective actions necessary to correct noncompliance.

Other Organizations that Resolve Disputes Related to Discrimination

Office for Civil Rights (OCR), U.S. Department of Education

<https://www2.ed.gov/about/offices/list/ocr/index.html>

OCR enforces several federal civil rights laws, which prohibit discrimination in public schools on the basis of race, color, national origin, sex, disability, and age. File complaints with OCR within 180 calendar days (6 months) of the date of the alleged discrimination.

Washington State Human Rights Commission (WSHRC)

<https://www.hum.wa.gov/>

WSHRC enforces the Washington Law Against Discrimination (RCW 49.60), which prohibits discrimination in employment and in places of public accommodation, including schools. File complaints with WSHRC within 6 months of the date of the alleged discrimination.

U.S. Department of Justice (DOJ), Educational Opportunities Section

<https://www.justice.gov/crt/educational-opportunities-section>

DOJ enforces federal civil rights laws that prohibit discrimination on the basis of race, color, national origin, sex, disability, and religion in public schools.

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Appendix A: Terminology Key

Complainant – Any individual, including a person’s duly authorized representative or an interested third party, public agency, or organization who files a complaint

Complaint – A written or verbal statement alleging a violation of a federal or state law or regulation, which may include an allegation of unlawful discrimination

Complaint Coordinator – A staff member who is responsible for tracking all program complaints until resolution

Discrimination – The act of making a distinction in favor of, or against a person, intentionally or unintentionally, with policies, procedures, attitudes, and practices that denies equal access or limits services and benefits to those who are eligible

Discrimination Complaint – A complaint alleging discrimination based on race, color, national origin, sex, age, or disability

Program Complaint – A complaint alleging violation of federal or state laws or regulations concerning the program(s)